

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RICKY L. THOMAS,

Plaintiff,

v.

SHIRLEY, *et al.*,

Defendants.

Case No. 1:23-cv-00470-JLT-BAM (PC)

**ORDER GRANTING DEFENDANT
DEGOUGH'S FIRST REQUEST FOR AN
EXTENSION OF TIME TO OPT OUT OF
POST-SCREENING ADR**

(ECF No. 27)

Opt-Out Deadline: April 17, 2024

Plaintiff Ricky L. Thomas ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against Defendant Degough for deliberate indifference in violation of the Eighth Amendment. This case is currently set for a video settlement conference before the undersigned on August 13, 2024 at 9:30 a.m. (ECF No. 26.)

Currently before the Court is Defendant's motion for a two-week extension of time to file a notice to opt-out of the August 13, 2024 settlement conference, filed April 3, 2024. (ECF No. 27.) Counsel for Defendant declares that in spite of investigating this case and arranging to speak with Defendant and Plaintiff, efforts were delayed by preparation of discovery and pleadings in other pending matters assigned to counsel. Defense counsel also has not received a response from the Litigation Coordinator at Plaintiff's institution as to whether or not Plaintiff is available to discuss potential settlement. Defendant requests a two-week extension of time to determine

whether Defendant will opt out of the Court's post-screening ADR. (*Id.*)

Plaintiff has not yet had an opportunity to file a response, but the Court finds a response unnecessary. The motion is deemed submitted. Local Rule 230(l).

Good cause appearing, Defendant's first request for an extension of time to opt out of post-screening ADR, (ECF No. 27), is HEREBY GRANTED. Defendant's notice to opt-out of the August 13, 2024 settlement conference, if any, is due on or before **April 17, 2024**.

IT IS SO ORDERED.

Dated: **April 3, 2024**



UNITED STATES MAGISTRATE JUDGE